

REMARKS

Claims 1-6, 8 and 11-16 are pending in the above-identified application. These claims have been subjected to a Unity of Invention Requirement as described at pages 2-3 of the Office Action dated February 26, 2007.

Election

Applicant hereby elects the peptide of the following formula: Acetyl-Arg-Lys-Asp-Val-HomoPhe-NH₂. This peptide corresponds to the case wherein A is the acetyl radical of acetic acid, W is Arg, and Z is HomoPhe-NH₂. It is submitted that all of the presently pending claims encompass this embodiment.

Although it is not understood why, Applicant has further been requested to elect a compound that improves hair growth in addition to the above-noted peptide election, from the examples recited in present claim 11. Applicant hereby elects "5-alpha-reductase inhibitors".

Although it is not clear why, Applicant has further been requested to elect "UVB" filter. Applicant hereby elects triazines as the UVB filter.

Finally, in case it becomes necessary, Applicant also provisionally elects as a second peptide consistent with claim 1 the peptide of the following formula: Acetyl-Lys-Gly-His-Lys-NH₂ which corresponds to the case wherein A is the acetyl radical of acetic acid, X is Lys, and Y is NH₂.

All of the above-noted elections are made provisionally and are respectfully traversed. It appears that Applicant need only elect a specific peptide from claim 1 and such an election was provisionally made as indicated above. The other provisionally elections identified above respond to the requests made in the Office Action, though it does not appear that these additional provisionally elections should be required.

In addition to the above, it is submitted that claims 1, 3-6, 8 and 11-16 read upon the above-noted provisionally elected species.

Reasons for Traversal of Unity of Invention Requirement

The Unity of Invention Requirement is respectfully traversed. First, it is submitted that all of the peptides employed in the embodiments of the present invention share the sequence "Lys-Asp-Val" and all of these peptides are relatively small. Second, the variables "A", "W", and "Z" are also small in scope, such that the search and examination of all of these related embodiments places no undue burden on the Patent Examiner. Consequently, it is requested that the Unity of Invention Requirement be completely withdrawn or severely reduced.

If any questions arise in the above matters, please contact Applicant's representative, Andrew D. Meikle (Reg. No. 32,868), in the Washington Metropolitan Area at the phone number listed below.

- ☒ Attached is a Petition for Extension of Time.
- ☒ Attached hereto is the fee transmittal listing the required fees.

Application No.: 10/565,009

Docket No.: 3493-0157PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 

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